

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

WILLIS BOYD ANNIS, III,

Case No. 3:22-cv-00054-MMD-CSD

v.

Plaintiff,

JUSTIN M. CLOUSER, *et al.*,

ORDER

Defendants.

On February 4, 2022, the Court received a letter from *pro se* Plaintiff Willis B. Annis addressed to Chief Judge Miranda M. Du, attached here. Annis currently has three open cases before Judge Du, and two additional cases that were recently closed. In his letter, Annis explained that he is not currently located at Lake's Crossing Hospital, and that he is being illegally detained at 1038 Buckeye Road in Minden, NV—the address of the Douglas County Sheriff's Office and Douglas County Jail. He further states that the letter is his third request for release.<sup>1</sup>

Annis writes that his letter is not an ex parte communication. An ex parte communication is “a communication between a *pro se* party or attorney and a judge or chambers when the opposing party or attorney is not present or copied, including telephone calls, letters, or emails.” Local Rule IA 7-2(a). A party may not make an ex parte communication except as specifically permitted by the Court or the Federal Rules of Civil Procedure, and any ex parte filing must state which rule permits the party to file ex parte and must explain why the filing is on an ex parte basis. Local Rule IA 7-2(b). The Court finds that Annis’ letter is an ex parte communication that does not fall under any rule permitting ex parte filings. Annis’ letter must be filed on the docket.

<sup>1</sup>Because Annis did not indicate which of his cases, open or closed, this letter was in reference to, if any, the Court indicates that it received this communication in each of Annis’ open cases.

1       At this time, the Court cannot address the relief requested in Annis' letter. of Annis'  
2 open cases are civil rights cases brough under 42 U.S.C. § 1983. All § 1983 cases  
3 brought *in forma pauperis* by a prisoner are subject to screening. See 28 U.S.C. § 1915A.  
4 The Court cannot decide whether Annis is entitled to his requested relief until his  
5 complaints are screened. At this time, Annis has not filed a completed application to  
6 proceed *in forma pauperis* and § 1983 complaint on the Court's correct forms in any of  
7 his open cases, so the screening process has not yet begun. Due to the large number of  
8 complaints awaiting screening, the screening process may take several months.

9       Moreover, the Court cautions Annis that he must file a new action if he seeks  
10 release from pretrial detention at the Douglas County Jail. "Habeas corpus proceedings  
11 are the proper mechanism for a prisoner to challenge the 'legality or duration' of  
12 confinement." *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (quoting *Preiser v.*  
13 *Rodriguez*, 411 U.S. 475, 484 (1973)). "A civil rights action, in contrast, is the proper  
14 method of challenging "conditions of . . . confinement.'" *Id.* (quoting *Preiser*, 411 U.S. at  
15 498-99)). If Annis seeks to challenge his detention at the Douglas County Jail as illegal,  
16 he must file a habeas corpus action and either pay the \$5 filing fee or complete an  
17 application to proceed *in forma pauperis* on the Court's approved forms. If Annis seeks  
18 to challenge the conditions of his confinement at the Douglas County Jail, he must file a  
19 § 1983 complaint, either pay the \$402 filing fee or complete an application to proceed *in*  
20 *forma pauperis* on the Court's approved forms, and await the Court's screening of his  
21 complaint. The Court will not grant relief based on letters sent to a judge.

22       DATED THIS 7<sup>th</sup> Day of February 2022.

23  
24  
25  
26  
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28



MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE

# Exhibit A

1-30-2022

Miranda DH,

This is Willis Boyd Annis III  
I'm not in Leake's Crossing Hosp,  
I'm illegally Detained on Non Violent  
charges. I've got a Pardon for  
non violent charges that clearly  
State I'm not to be arrested or  
Jailed for ~~felony~~ frivolous, Non  
Violent actions, crimes, I'm not  
to be charged! Now I've written  
to this court on several occasions and  
I keep asking for my immediate release.  
You keep denying this release. I've  
told the court that in Case Name,  
Willis Boyd Annis V. State of Vermont  
Prosecutors and Federal Prosecutors in  
the State of Vermont, Case No. —  
5:2013-CV-00047, I have a Remedies  
page Table of Relief that was  
Approved by a three Panel of  
Second Circuit Supreme Court of  
Appeals Justices 3,5, and 7  
that Granted me Summary Judgement  
Over all Parties, There is a section  
in that Federal Injunction against

Future charges arrests and being  
jailed for Non Violent charges  
Im not to be detained this is a  
Signed Pardon from The Supreme  
Court You are in Violation of this  
mandate Please Order my release  
to be immediate or I will take  
legal action for Unlawful Imprison  
imprisonment and Violation of a  
Supreme Court Order, granting me  
immunity against non violent charges.  
See Table/Pages of remedy in case  
No. 3:2013-cv-00047,  
Annis V. State of Vermont Presently  
Et Al. Im being illegally confined at  
1038 Buck eye Ln. Mendon NV. 89423  
This is my 3rd Request for Release  
1-30-2022 *Willis Boyd Anni II*

Willis Boyd Anni II  
P.O. Box 1777  
Mendon NV 89423

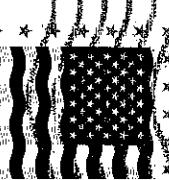
This is not a EX Parte  
communication

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P.O. Box 1777 Reno, NV 89502	
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W.S. District Court 9th Cir.  
 c/o Justice Miranda M. Au.  
 400 S. Virginia St.  
 Reno NV 89501

02 FEB 2022 PM 2 T

RENO NV 89502



Douglas County Sheriff's Office, NV  
OUTGOING INMATE MAIL